

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

| | | |
|---------------------------------|---|-------------------------------------|
| Nancy Harvey, |) | Civil Action No.: 0:18-cv-00048-JMC |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| Commissioner of Social Security |) | |
| Administration, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

This matter is before the court on Plaintiff Nancy Harvey’s (“Plaintiff”) Motion for Attorney’s Fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), filed on June 11, 2019. (ECF No. 24.) Defendant Commissioner of Social Security Administration (“the Commissioner”) responded to Plaintiff’s Motion on June 25, 2019, and did not oppose the payment of four thousand ninety-three dollars and nine cents (\$4,093.09) in attorney’s fees and twenty-one dollars and eighty-eight cents (\$21.88) in expenses to Plaintiff. (ECF No. 25 at 1.) After reviewing Plaintiff’s Motion (ECF No. 24) and the Commissioner’s Response (ECF No. 25), the court finds that the request for attorney’s fees and expenses is reasonable and that Plaintiff is entitled to an award of attorney’s fees under the EAJA in the stipulated amount.

In accordance with *Astrue v. Ratliff*, 560 U.S. 586, 589 (2010), EAJA fees awarded by this court belong to the litigant, thus subjecting EAJA fees to be offset under the Treasury Offset Program, 31 U.S.C. § 3716(c)(3)(B). Therefore, the court directs that fees be payable to Plaintiff and delivered to Plaintiff’s counsel. *Ratliff*, 560 U.S. at 589. The amount of attorney’s fees payable to Plaintiff will be the balance of stipulated attorney’s fees remaining after subtracting the amount of Plaintiff’s outstanding federal debt. 31 U.S.C. § 3716. If Plaintiff’s outstanding federal debt

exceeds the amount of attorney's fees under the stipulation, the stipulated amount will be used to offset Plaintiff's federal debt and no attorney's fees shall be paid. *See* 31 U.S.C. § 3716. (*See also* ECF No. 25 at 1–2.)

After a thorough review of Plaintiff's Motion (ECF No. 24) and Defendant's Response (ECF No. 25), the court **GRANTS** Plaintiff's Motion for Attorney's Fees (ECF No. 24) and awards \$4,093.09 in attorney's fees and \$21.88 in expenses.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

June 26, 2019
Columbia, South Carolina